

Richard E. Bowes

09/21/200!

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3 TRANS-SPEC TRUCK SERVICE,
4 INC., d/b/a TRUCK SERVICE,

5 Plaintiff,

6 vs.

7 CATERPILLAR, INC.,

8 Defendant.
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CERTIFIED ORIGINAL
LEGALINK BOSTON

) CIVIL ACTION NO.
) 04-11836-RCL
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)

11 THE DEPOSITION of RICHARD E. BOWES, called
12 for examination pursuant to the provisions of
13 the United States District Court for the
14 Central District of Illinois and Rules of the
15 Illinois Supreme Court as they apply to the
16 taking of depositions, taken before Kathy L.
17 Johnson, C.S.R., a Notary Public in and for the
18 County of Henry, State of Illinois, on the 21st
19 day of September, 2005, at the hour of 9:30
20 a.m., at the Radisson Hotel, Pembroke Room, 117
21 N. Western Avenue, Peoria, Illinois.
22
23

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1 A. I don't know that I've seen something that
2 had damage to the clutch. I don't know.

3 Q. Does replacing a flywheel house involve
4 taking out the clutch and the transmission and
5 all of that?

6 A. Yes.

7 Q. Are there times when, if you take out a
8 clutch you have to put in a new one? You can't
9 replace it with the same old clutch that was
10 there before the repair was performed?

11 A. Are you talking about after, once a
12 flywheel housing --

13 Q. If you need to repair a flywheel house do
14 you have to repair the, do you have to replace
15 the clutch with a new one at times?

16 A. If the flywheel is not damaged and the
17 clutch isn't damaged I don't think you have to.

18 Q. Well, but if a clutch is damaged you would
19 have to?

20 A. If the clutch was damaged, yeah, then you
21 would probably want to replace it, yeah.

22 Q. Has Caterpillar experienced failures of
23 other flywheel houses?

1 A. Where? On what engine?

2 Q. On any engine.

3 A. Have they experienced failures on other
4 engines?

5 Q. Yes.

6 A. Yes.

7 Q. How many?

8 A. I don't know. On other engine models?
9 On the C12?

10 Q. I was going to say, that's my next
11 question. Can you tell me how many on the C12?

12 A. Let's see here.

13 MR. GRUNERT: If you want to you
14 can count through these and tell him how many.
15 It's going to take you a while to count.

16 BY MR. SAMITO:

17 Q. Are those all, are those all the ones that
18 Caterpillar produced?

19 MR. GRUNERT: Those are what we
20 produced to you.

21 MR. SAMITO: Okay.

22 THE WITNESS: Let's see if it's
23 here.

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1 MR. GRUNERT: I think he has a
2 number from earlier during the 6SIGMA stuff.

3 MR. SAMITO: Yeah.

4 THE WITNESS: Based on the data I
5 have here I show 135 failures from 1998 through
6 2002 on a population of 110,658 engines.

7 MR. SAMITO: I was going to say,
8 how does that reconcile with --

9 MR. GRUNERT: Because those are
10 through whatever the date was that they were
11 produced to you.

12 MR. SAMITO: Okay. And what was
13 that date, until 2000?

14 THE WITNESS: 2002.

15 MR. SAMITO: So those are all
16 from, those include 2002 to the date they were
17 produced?

18 MR. GRUNERT: Those include
19 everything up until the date they were
20 produced. Not from 2002 forward --

21 MR. SAMITO: Okay.

22 MR. GRUNERT: -- up until they
23 were produced.

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1 THE WITNESS: Okay. These are
2 all flywheel? What's in this folder?

3 MR. GRUNERT: The C12 flywheel.

4 THE WITNESS: And it's
5 everything, including leaks, flywheels
6 themselves.

7 MR. GRUNERT: These were flywheel
8 housing failures identifiable as such.

9 THE WITNESS: Okay. I'm sorry.
10 This is a, this would have been the search on
11 looking for cracked housings and/or loosening
12 bolts.

13 This is everything that's been
14 related to a flywheel housing from what I
15 understand.

16 BY MR. SAMITO:

17 Q. That's a lot more than 135.

18 A. Well, this is somewhere around 600.

19 Q. Okay.

20 A. Yeah Yeah.

21 Q. When did you first learn of problems with
22 the flywheel housings or flywheel housing bolts
23 on the C12?

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1 of that somewhere.

2 Q. So there should be some way of finding out
3 in 1999 a thousand C12 flywheel houses have
4 been sold or something like that?

5 A. I would think somebody in our parts side
6 of the business could do that.

7 Q. But you don't have anything here with you
8 today or in your preparation --

9 A. Not that I saw, no.

10 Q. You mentioned a Tennessee company and
11 Utah; there's a Massachusetts company;
12 Trans-Spec.

13 Is this a nationwide situation in
14 which claims involving flywheel houses and
15 flywheel house bolts on the C12 are coming in?

16 MR. GRUNERT: Object to the form.

17 THE WITNESS: It's a situation in
18 which we've had 135 failures out of 110,000
19 engines.

20 BY MR. SAMITO:

21 Q. Nationwide?

22 A. Different parts of the country.

23 Q. Is Caterpillar presently facing any other